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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/051,560

01/17/2002

Gary M. Sanderson

NORTH-458A/ A-2360

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05/04/2007

STETINA BRUNDA GARRED & BRUCKER

75 ENTERPRISE, SUITE 250

ALISO VIEJO, CA 92656

EXAMINER

DESHPANDE, KALYAN K

ART UNIT

PAPER NUMBER

3623

MAIL DATE

DELIVERY MODE

05/04/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/051,560

Applicant(s)

SANDERSON ET AL.

Examiner

Kalyan K. Deshpande

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Introduction***

1. The following is a final office action in response to the communications received on February 9, 2007. Claims 1-20 are now pending in this application.

### ***Response to Amendment***

2. Examiner acknowledges Applicants' amendment to claim 10. Based on Applicants' amendment to claim 10, the previously asserted 35 U.S.C. 112 rejection is withdrawn.

### ***Response to Arguments***

3. Applicants' arguments submitted February 9, 2007 have been fully considered by are not found persuasive. Applicants argue i) Seal fails to teach "a method comprising the step of an Originator creating a work request at a first remote computer terminal and transmitting it to a first level for approval", ii) Seal fails to teach "a first level reviewing the work request and, if approved, ultimately being transmitted to a third level Group Lead for work assignment, iii) Seal fails to disclose a third level Group Lead reviewing work performed by Facilitators, and transmitting approval to a fourth level if satisfactory", iv) Seal fails to teach "an Administrator providing alternate personnel for any unavailable personnel", and v) it would not have been obvious to have multiple levels of review.

In response to Applicants' argument Seal fails to teach "a method comprising the step of an Originator creating a work request at a first remote computer terminal and transmitting it to a first level for approval", Examiner respectfully disagrees. Applicants'

specifically argue that “a job entry application is used to enter job details and to configure a job”, which is not the same as a “work request”, referring only to a part of the cited passage column 10 lines 16-17. The Seal reference, as a whole, specifically teaches describing a work request, consolidating the work request in to a bid package, contractors receive the bid package, contractors propose a bid, and an award of the bid is determined (see column 10 lines 16-34 and column 12 lines 10-67). Additionally, the job application is described by Seal as work that is needed to be performed as a work item (see column 9 lines 66-67) and the work items can be distributed internally or submitted to contractors to be performed (see column 12 lines 11-15). Seal further discusses the use of an interface that allows users to input, edit, and modify information (see column 18 lines 20-35), which is the same as a first terminal.

In response to Applicants’ argument Seal fails to teach “a first level reviewing the work request and, if approved, ultimately being transmitted to a third level Group Lead for work assignment”, Examiner respectfully disagrees. Applicants specifically argue that the present invention “approves” work requests as opposed to “accepting” work requests as done in Seal. Examiner submits there is not distinction in “approving” and “accepting”. Applicants allege there is a distinction based on the deciding body, where in the present invention the deciding body is other than the requestor as in Seal.

Examiner respectfully submits that this feature is not present in the claims.

Furthermore, there is no other distinction between “approving” and “accepting” recited in the claims. Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re*

*Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the limitation of approving the work request of the present invention is the same as the accepting of the work request in Seal.

In response to Applicants' argument Seal fails to disclose a third level Group Lead reviewing work performed by Facilitators, and transmitting approval to a fourth level if satisfactory", Examiner respectfully disagrees. Applicants specifically argue that in Seal, the actual work performed is being reviewed as opposed to Seal where the inputs of the bid or contract details is reviewed. Examiner again submits that the recited claims are broad such that "actual" work is not a claimed feature. Applicants are again reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Applicants' argument Seal fails to teach "an Administrator providing alternate personnel for any unavailable personnel", Examiner respectfully disagrees. Applicants specifically argue that Seal fails to teach "providing alternate personnel" if "the schedule personnel become unavailable". The limitation recited in the claims only calls for "providing alternate personnel for any unavailable personnel" and does not require that the now unavailable personnel be available at the time of scheduling. Again, Applicants are reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Applicants' argument it would not have been obvious to have multiple levels of review, Examiner respectfully disagrees. Examiner had taken official notice for the multiple levels of review. Applicants' acknowledged and agreed with Examiner's submission of Official Notice (see Applicants Response on March 3, 2006 page 9). As such, multiple levels of review are treated as admitted prior art. See *MPEP* § 2144.03. Additionally, Applicants' current argument states that each level of review performs a different analysis. However, the distinction that Applicants are arguing is not found in the recited claims. As stated above, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). However, Applicants' acknowledgement and agreement with Examiner's submission of Official Notice renders this argument moot, since this feature is taken as admitted prior art.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seal et al. (U.S. Patent No. 7117162).

As per claim 1, Seal teaches:

Art Unit: 3623

A method for processing work requests in a system having a central computer containing a web server and a plurality of remote computer workstations coupled to said central computer, said method comprising:

- a. an Originator creating a work request at a first of said remote computer terminals and transmitting it to a first level for approval (see column 10 lines 16-34 and column 12 lines 10-47; where a work request is created using the job entry application. The request is submitted for review to the contractors for them to bid. Contractors in turn submit bids responses to be awarded the work requests.);
- b. said first level reviewing said work request and, if approved, transmitting it to a third level Group Lead for work assignment (see column 13 lines 1-10; where contractors submit bids and the bids are reviewed and approved. Once the bid is approved, it is established that the contractor will perform the work requested.);
- d. a Facilitator assigned in the preceding step executing said work request (see column 12 lines 47-67 and column 13 lines 1-10; where a facilitator reviews and assigns the bids.);
- e. said third level Group Lead reviewing work performed by said Facilitators, and transmitting approval to said fourth level if satisfactory (see column 13 lines 28-44; where the job entry application reviews the entire contract details, including the assignment of bids, and schedules performance of the contract.);

h. closing said work request (see column 11 lines 60-67; where completed tasks and requests are reported and updated in to the master plan. Reporting the tasks as completed is the same as closing the work request.); and

i. an Administrator providing alternate personnel for any unavailable personnel at any one of the first and third levels (see column 14 lines 39-58; where the scheduler administers the scheduling of tasks and provides available personnel to complete the work request.).

Seal fails to teach “a second level Review Board reviewing said work request”, “a fourth level Review Board reviewing work performed by Facilitator”, and “a fifth level reviewing work performed by Facilitator”. It is old and well-known in the art to have additional personnel (2<sup>nd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> level review) to review service requests to ensure the service request is approvable and classified and routed properly. The advantages of having additional personnel review the service request are that the service request is fully considered by more personnel and the service request is properly classified and routed. It would have been obvious, at the time of the invention, for one of ordinary skill in the art to include a second level review board to the Seal system in order to have the service request fully considered by additional personnel and to have the service request more accurately classified and routed.

As per claims 2 and 3, Seal teaches “said work request is disapproved, notifying said Originator by email through said computer system and canceling said work request” (see column 12 lines 10-47 and column 13 lines 1-10; where contractors are notified if their bids are not excepted.) “transmitting said Originator each time said work



request is approved" (see column 13 lines 1-10; where the system is updated with the information of who is approved to complete the work.). Seal fails to explicitly teach the notification of approval or disapproval is done via email. It is old and well-known in the art to use email to notify users of an event. The advantage of using email to notify users is that it simplifies the management of a job. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to modify Seal to incorporate the feature of using email to notify users of the approval or disapproval of a request in order to facilitate the management of a job, which is a goal of Seal (see column 1 lines 20-27).

As per claims 4 -6, Seal teaches "providing access to a form for approval of said work request" (see column 12 lines 10-47 and column 13 lines 1-10; where bids are reviewed for comparison and a user is enabled to approve or deny the work request. The providing of a hot link is the same as enabling a user to access the approval form.) and "notifying the next level in said process each time said work request is approved" (see column 12 lines 10-47 and column 13 lines 1-45; where users are notified of approval or denial of the work request). Claims 4 and 5 further recite the limitation the "use of email to notify users" which has already been addressed by the rejections of claims 2 and 3; therefore the same rejection applies to these claims.

As per claim 7, Seal teaches:

The method as in Claim 1 wherein said work performed by said Facilitator is not satisfactory, further including the step of notifying said Facilitator and said Group Lead (see column 17 lines 44-67 and column 18 lines 1-19; where the contractors and managers are notified of unsatisfactory work performed.).

As per claim 8, Seal teaches:

The method as in Claim 7 further including said Group Lead and employees reworking said work request until the work is approved (see column 18 lines 9-19; where work that fails inspections can be reworked until it is approved.).

As per claim 9, Seal teaches:

The method as in claim 1 further including a main menu displayed for a user to interactively select a step of said process (see column 11 lines 54-67; where users can enter information at the task level.).

As per claim 10, Seal teaches:

The method as in claim 9 further including displaying on a screen an approval form, wherein the approval form is an acknowledgement of selecting a step of said process from said main menu (see column 18 lines 20-60; where users can select tasks and enter information regarding the task. The submitted information is entered in the master plan. The entering of information into the master plan is the same as an approval response to the selection of a step.).

A method for processing work requests in a system having a central computer containing a web server and a plurality of remote computer workstations coupled to said central computer, said method comprising

Claims 11-20 recite limitations already addressed by the rejections of claims 1-10; therefore the same rejections apply to these claims.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kalyan K. Deshpande whose telephone number is (571)272-5880. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
kkd

  
C. Michelle Taras  
Primary Patent Examiner  
Art Unit 3623